

TOWN OF POLK
BOARD OF ZONING APPEALS MINUTES
April 30, 2008
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I. Call Meeting to Order - 6:30 p.m. at 3152 Tillie Lake Road - The meeting of the Board of Zoning Appeals was called to order by Chairman Art Melius at 6:30 p.m. at 3152 Tillie Lake Road, Jackson.

A. Official Meeting Notification -

Notice of the Meeting was posted at the Town Hall, Highway View School and Cedar Lake Hills bulletin boards as well as faxed to the West Bend Daily News, Hartford Times Press, WBKV, WTKM, Milwaukee Journal Sentinel, and posted on the Town of Polk website. All interested parties were also notified.

B. Roll Call - Board members present: Chairman Art Melius, Karen Reiter, Mary Franz, Patrick Fehring and Clerk C. Whelan. List of guests is attached. (See page)

C. Approval of Agenda -

A motion was made by Karen Reiter to approve the Agenda for April 24, 2008 meeting adjourned until April 30, 2008 seconded by Mary Franz. Motion carried unanimously by voice vote.

D. Approval of Minutes - March 27, 2008 -

A motion was made by Karen Reiter and seconded by Patrick Fehring to approve the minutes of March 27, 2008. Motion carried unanimously.

II. Public Hearing - Daniel & Stephanie Hennes, owners - 3152 Tillie Lake Road, Jackson. Clerk Whelan read the Notice of Public Hearing for Daniel & Stephanie Hennes.

A. Variance request to Sections 3.05 (3) and 8.03 (2) of the Zoning Ordinance of Title X of the Municipal Code of the Town of Polk to allow a variance of 100 feet to the front yard setback, to replace the foundation and floor of a nonconforming structure. Tax Key #T9-0516-00F, Section 13, Zoned R-1 Residential, 3.40 acres.

The members of the Zoning Board of Appeals reviewed the drafted minutes of the April 24, 2008 meeting which was adjourned to April 30, 2008 for lack of a quorum.

Mary Franz stated there wasn't any opposition from anyone expressed at the April 24 meeting.

The Board asked Mr. Hennes to explain what is going on with the porch.

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Daniel Hennes stated he wants to make the porch a more usable space by putting in new windows as the wind plows right through them. The floor is sinking as there is no foundation under the porch, and there are holes in the walls.

The Board explained that Mr. Hennes is putting in a basement under the porch and is staying within the foot print of the structure.

Patrick Fehring stated he sees no problem with the plans, he meets the criteria.

Chairman Melius stated if there is no more discussion, the Board considered the findings.

Karen Reiter read the findings from the Zoning Ordinance Title X page 65 and 66:

1. Preservation of intent - this is a stated permitted use, the porch already exists, and the only thing he is doing is repairing it.
2. Exceptional circumstances - There is to exceptional circumstance he is only repairing the porch. This is a residential structure which was built before our zoning code.
3. Economic Hardship and Self-Imposed Hardship Not Grounds for Variance - There is no self-imposed or economic hardship. Mr. Hennes did not impose a hardship of the detrition of his front porch.
4. Preservation of Property Rights - It would be consistent with variances granted to other such properties. In order to use the house as built he needs to repair it.
5. Absence of Detriment - There is no detriment as he is maintaining the footprint of the structure.

Decision - The Board agreed

Motion by Mary Franz and seconded by Patrick Fehring to approve the variance as stated. All voted in favor and the motion passed.

IV. Adjournment

Motion to adjourn made by Karen Reiter and seconded by Mary Franz. All voted in favor and the meeting was adjourned at 6:40 p.m.

Respectfully Submitted,

Catherine Whelan, Clerk